

**EIGHTY-FOURTH GENERAL ASSEMBLY
2011 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 24, 2011

HOUSE FILE 590

H-1440

1 Amend the amendment, H-1380, to House File 590 as
2 follows:
3 1. Page 1, line 31, after <program.> by inserting
4 <The information provided pursuant to this paragraph
5 shall include but not be limited to the number of
6 workers trained or educated; the median hourly wage
7 of workers trained or educated and the percentage of
8 workers for whom employer-paid health benefits are
9 provided; the number of workers continuing to work for
10 the employer for which they were trained twelve months
11 following the completion of the training; the number
12 of disadvantaged workers trained or educated as part
13 of each agreement; and identification of the portable
14 skills developed as part of each agreement.
15 (1) For purposes of this paragraph, "disadvantaged
16 worker" means a resident of Iowa who is a member of an
17 underserved population, including any of the following:
18 (a) Persons with an adjusted gross income of twenty
19 thousand dollars or less in the preceding tax year.
20 (b) Women, persons with disabilities, and minority
21 persons.
22 (c) Persons who are fifty years of age or older.
23 (d) Persons convicted of a crime who are reentering
24 society after being released from incarceration or who
25 have not been employed with an adjusted gross income of
26 twenty thousand dollars or more since being released
27 from incarceration.
28 (2) For purposes of this paragraph a portable
29 skill is a skill not unique to the employer for which
30 training was provided and which has been identified by
31 the department of workforce development as a worker
32 skill needed by employers in more than one industry.>
33 2. By renumbering as necessary.

By ISENHART of Dubuque

H-1440 FILED MARCH 23, 2011

HOUSE FILE 590

H-1442

1 Amend House File 590 as follows:
2 1. Page 17, before line 9 by inserting:
3 <Sec. _____. NEW SECTION. 15.106E Review of
4 authority operations.
5 Commencing July 1, 2014, the general assembly
6 shall conduct a review of the authority and its
7 activities and shall issue a report with findings and
8 recommendations by January 1, 2015.>
9 **By** RUNNING-MARQUARDT of Linn

H-1442 FILED MARCH 23, 2011

SENATE AMENDMENT TO
HOUSE FILE 267

H-1449

1 Amend House File 267, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 303.2, subsection 2, paragraph
6 c, Code 2011, is amended to read as follows:

7 c. Develop standards and criteria for the
8 acquisition of historic properties and for the
9 preservation, restoration, maintenance, operation, and
10 interpretation of properties under the jurisdiction
11 of the division. The administrator of the division
12 shall serve as the state historic preservation
13 officer, certified by the governor, pursuant to federal
14 requirements. The recommendations and decisions of the
15 state historic preservation officer shall be subject to
16 the review and approval of the director.

17 Sec. 2. NEW SECTION. 303.19A Effort required of
18 rural electric cooperatives receiving federal funding to
19 identify historic properties.

20 1. The state historic preservation officer shall
21 only recommend that a rural electric cooperative
22 constructing electric distribution and transmission
23 facilities for which it is receiving federal funding
24 conduct an archeological site survey of its proposed
25 route when, based upon a review of existing information
26 on historic properties within the area of potential
27 effects of the construction, the state historic
28 preservation officer has determined that a historic
29 property, as defined by the federal National Historic
30 Preservation Act of 1966, as amended, is likely to
31 exist within the proposed route.

32 2. The state historic preservation officer shall
33 not require a level of archeological identification
34 effort which is greater than the reasonable and good
35 faith effort required by the federal agency. Such
36 effort shall reflect the public interest and shall take
37 into account the likelihood and magnitude of potential
38 impacts to historic properties and project costs.

39 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
40 deemed of immediate importance, takes effect upon
41 enactment.>

42 2. Title page, line 1, after <to> by inserting
43 <the historical division of the department of cultural
44 affairs, including>

45 3. Title page, line 2, after <cooperatives> by
46 inserting <and including effective date provisions>

RECEIVED FROM THE SENATE

H-1449 FILED MARCH 23, 2011

HOUSE FILE 473

H-1437

1 Amend House File 473 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 8A.311, subsection 15, Code
4 2011, is amended to read as follows:

5 15. a. A bidder ~~awarded~~, to be considered for an
6 award of a state construction contract, shall disclose
7 to the state agency awarding the contract the names of
8 all subcontractors and suppliers, who will work on the
9 project being bid, within forty-eight hours after the
10 ~~award of the contract~~ published date and time by which
11 bids must be submitted.

12 b. A bidder shall not replace a subcontractor or
13 supplier disclosed under paragraph "a" without the
14 written approval of the state agency awarding the
15 contract.

16 c. A bidder, prior to award or who is awarded a
17 state construction contract, shall disclose all of the
18 following, as applicable:

19 (1) If a subcontractor named or supplier disclosed
20 under paragraph "a" by a bidder awarded a state
21 ~~construction contract~~ is replaced, or if the reason for
22 the replacement and the name of the new subcontractor
23 or supplier.

24 (2) If the cost of work to be done by a
25 subcontractor or supplier is reduced, the bidder shall
26 ~~disclose the name of the new subcontractor or changed~~
27 or if the replacement of a subcontractor or supplier
28 results in a change in the cost, the amount of the
29 ~~reduced change in cost.~~>

30 2. By renumbering as necessary.

By THOMAS of Clayton

H-1437 FILED MARCH 23, 2011

HOUSE FILE 643

H-1438

1 Amend the amendment, H-1391, to House File 643 as
2 follows:
3 1. Page 2, after line 34 by inserting:
4 <____. Page 10, after line 9 by inserting:
5 <Sec. _____. QUARTERLY REPORT. The department of
6 agriculture and land stewardship and the department
7 of natural resources shall prepare and submit a joint
8 report to the governor and general assembly on a
9 quarterly basis regarding the progress of the transfer
10 of employees, powers, and duties to the department
11 of agriculture and land stewardship as provided in
12 sections 455B.193 through 455B.195, as amended by this
13 Act. The departments shall also publish each report
14 on their internet websites. The report shall identify
15 and itemize all savings achieved as well as all costs
16 incurred by the departments in this process.>>
17 2. By renumbering as necessary.

By LENSING of Johnson

H-1438 FILED MARCH 23, 2011

HOUSE FILE 643

H-1439

1 Amend the amendment, H-1391, to House File 643 as
2 follows:
3 1. Page 2, after line 34 by inserting:
4 <____. Page 10, after line 9 by inserting:
5 <Sec. _____. ASSURANCE. The department of natural
6 resources and the department of agriculture and land
7 stewardship shall assure that during the transition
8 period no break shall occur in data collection or
9 monitoring or contracts related to programs transferred
10 by this Act.>>
11 2. By renumbering as necessary.

By LENSING of Johnson

H-1439 FILED MARCH 23, 2011

HOUSE FILE 643

H-1441

1 Amend the amendment, H-1391, to House File 643 as
2 follows:
3 1. Page 2, after line 34 by inserting:
4 <____. Page 10, after line 9 by inserting:
5 <Sec. _____. EMPLOYEE RETENTION. The department
6 of agriculture and land stewardship shall assure in
7 the transfer of employees, powers, and duties to the
8 department as provided in sections 455B.193 through
9 455B.195, as amended by this Act, that no affected
10 employee shall be terminated or have work hours
11 reduced.>>
12 2. By renumbering as necessary.

By WESSEL-KROESCHELL of Story

H-1441 FILED MARCH 23, 2011

HOUSE FILE 649

H-1451

1 Amend House File 649 as follows:
2 1. Page 75, after line 23 by inserting:
3 <Sec. _____. DECATEGORYIZATION PROJECT FUNDING. For
4 the period beginning June 1, 2010, and ending June
5 30, 2012, a child welfare and juvenile justice
6 funding decategorization initiative project that is
7 incorporated and owns real property may utilize project
8 funding to purchase liability insurance.>
9 2. Page 75, after line 26 by inserting:
10 <Sec. _____. RETROACTIVE APPLICABILITY. The
11 section of this division of this Act addressing child
12 welfare and juvenile justice funding decategorization
13 initiative project funding for the period beginning
14 June 1, 2010, and ending June 30, 2012, applies
15 retroactively to June 1, 2010.>
16 3. By renumbering as necessary.

By PETTENGILL of Benton
DE BOEF of Keokuk

H-1451 FILED MARCH 23, 2011

SENATE FILE 130

H-1436

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 19 and 20 and
4 inserting:
5 <2. Title page, line 1, by striking <relating
6 to raccoon hunting> and inserting <allowing the
7 establishment of an open season for hunting mourning
8 doves>>

By ARNOLD of Lucas

H-1436 FILED MARCH 23, 2011

SENATE FILE 130

H-1443

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 3 through 20 and
4 inserting:
5 <1. By striking everything after the enacting
6 clause and inserting:
7 <Section 1. NEW SECTION. 1E.1 State birds.
8 1. The Eastern goldfinch and the mourning dove are
9 designated and shall be officially known as the state
10 birds of Iowa.
11 2. The director of the department of cultural
12 affairs shall obtain appropriate pictures and other
13 representations of the Eastern goldfinch and the
14 mourning dove and shall display the pictures and
15 representations in an appropriate place in the state
16 historical museum.
17 3. The editor of the Iowa official register shall
18 include appropriate pictures of and commentary on the
19 Eastern goldfinch and the mourning dove in the Iowa
20 official register, along with pictures of the state
21 rock, state flower, and state tree.>>
22 2. Title page, line 1, by striking <relating to
23 raccoon hunting> and inserting <designating the Eastern
24 goldfinch and the mourning dove as the state birds>

By BERRY of Black Hawk

H-1443 FILED MARCH 23, 2011

SENATE FILE 130

H-1444

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, line 18, after <and 481A.39.> by
4 inserting <If an open season on mourning doves
5 is established by the commission pursuant to this
6 subsection, the commission shall specify that mourning
7 doves shall only be taken by a person with a firearm
8 using nontoxic shot.>

By WOLFE of Clinton

H-1444 FILED MARCH 23, 2011

SENATE FILE 130

H-1445

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, line 18, after <and 481A.39.> by
4 inserting <If an open season on mourning doves is
5 established by the commission, the open season shall
6 be effective in a county only if the open season has
7 been approved by the county board of supervisors, upon
8 recommendation of the county conservation board.>

By ISENHART of Dubuque

H-1445 FILED MARCH 23, 2011

SENATE FILE 130

H-1446

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:

3 1. Page 1, line 18, after <and 481A.39.> by
4 inserting <If an open season on mourning doves is
5 established by the commission, the commission shall
6 prohibit the hunting of mourning doves within one mile
7 of any residence.>

By MASCHER of Johnson

H-1446 FILED MARCH 23, 2011

SENATE FILE 130

H-1447

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:

3 1. Page 1, line 18, after <and 481A.39.> by
4 inserting <If an open season on mourning doves is
5 established by the commission, the commission shall
6 prohibit the hunting of mourning doves within one
7 hundred yards of any land upon which crops have been
8 grown within the previous ninety days.>

By MASCHER of Johnson

H-1447 FILED MARCH 23, 2011

SENATE FILE 130

H-1448

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:

3 1. Page 1, line 18, after <and 481A.39.> by
4 inserting <The commission shall undertake a five-year
5 study of the population of mourning doves in the state
6 prior to establishing a season for mourning doves.>

By MASCHER of Johnson

H-1448 FILED MARCH 23, 2011

SENATE FILE 130

H-1450

1 Amend the amendment, H-1435, to Senate File 130, as
2 passed by the Senate, as follows:
3 1. Page 1, line 18, after <and 481A.39.> by
4 inserting <If an open season on mourning doves is
5 established by the commission, a person hunting
6 mourning doves shall pay the migratory game bird fee as
7 provided in section 483A.1.>
8 2. Page 1, after line 18 by inserting:
9 <Sec. _____. Section 484A.1, subsection 2, Code 2011,
10 is amended to read as follows:
11 2. "Migratory game bird" means any wild goose,
12 brant, wild duck, snipe, rail, woodcock, mourning dove,
13 or coot.>
14 3. Page 1, after line 20 by inserting:
15 <_____. Title page, line 1, after <hunting> by
16 inserting <and providing fees>>
17 4. By renumbering as necessary.

By HALL of Woodbury

H-1450 FILED MARCH 23, 2011

SENATE FILE 205

H-1454

1 Amend Senate File 205, as passed by the Senate, as
2 follows:

3 1. Page 16, after line 22 by inserting:

4 <DIVISION iii

5 RAILROAD CLEARANCES AND SAFE SPACES

6 Sec. _____. NEW SECTION. 327F.10 Minimum clear space
7 requirements for bridges, structures, poles, and other
8 obstructions.

9 1. Overhead clearances.

10 a. The minimum overhead clearance above a railroad
11 track that is used or proposed to be used for
12 transporting freight cars shall be twenty-two feet,
13 except as otherwise provided in this subsection.

14 b. The overhead clearance above the top rail of
15 tracks located at the entrance to or inside a building
16 may be less than twenty-two feet but not less than
17 eighteen feet. However, if an overhead clearance of
18 less than twenty-two feet exists above tracks inside a
19 building, the movement of railway equipment shall be
20 brought to a stop before entering the building. In
21 switching movements requiring a number of entries,
22 stopping is required only upon initial entry.

23 c. This subsection does not apply to electric wires
24 or equipment required above tracks for the operation
25 of trains by electric energy, provided that a carrier
26 that conducts such an operation adopts and enforces
27 rules which prohibit an employee from being on top of a
28 rail car while the car is being operated under lower
29 clearances than those provided in this subsection.

30 d. The overhead clearances provided in this
31 subsection do not apply to engine houses, engine house
32 facilities, tipples, or facilities used for servicing
33 rail cars or for loading or unloading bulk commodities
34 if compliance is not reasonably practicable.

35 e. The department of transportation may waive
36 the requirements of this subsection for structures
37 constructed before January 1, 2012, if the waiver
38 will not adversely affect the safety of the public or
39 employees of the railroad.

40 2. Side clearances.

41 a. The minimum side clearance from the center line
42 of tangent railroad tracks that are used or proposed
43 to be used for transporting freight cars shall conform
44 with the requirements of this subsection, except that
45 structures, including platforms and tracks, constructed
46 or under construction prior to January 1, 2012, may be
47 maintained at clearances existing prior to that date,
48 and may be extended at existing clearances unless such
49 an extension is in connection with reconstruction of
50 the original platform.

H-1454

1 b. The minimum side clearance between the center
2 line of the track and any structure or obstruction
3 above the top of the rail, except structures or
4 obstructions specifically exempted under this
5 subsection, shall be twelve feet.

6 c. (1) A platform that is four feet or less above
7 the top of the rail, except a platform adjacent to main
8 or passing tracks, may be less than eight feet six
9 inches from the center line of the track on one side
10 of such track if a full clearance of at least eight
11 feet six inches is maintained on the opposite side of
12 the track or the distance from the center of the track
13 to the center of the adjacent track is not less than
14 fourteen feet.

15 (2) A platform that is four feet six inches or less
16 above the top of the rail, if used principally for
17 loading or unloading refrigerator cars, shall not be
18 less than eight feet from the center line of the track.

19 (3) A low passenger platform that is eight inches
20 or less above the top rail shall not be less than five
21 feet one inch from the center line of the track. A
22 high passenger platform that is four feet or less above
23 the top rail shall not be less than five feet seven
24 inches from the center line of the track.

25 (4) Platforms constructed before January 1,
26 2012, with less than the clearances prescribed in
27 this paragraph "c" may be extended at such lesser
28 clearances unless the extension is in connection with
29 reconstruction of the original platform.

30 d. The side clearance, other than for platforms, on
31 sidings only, at an entrance to a building or inside
32 a building shall not be less than eight feet from the
33 center line of the track.

34 e. Switchboxes, switch-operating mechanisms, and
35 accessories necessary for the control or operation of
36 signals or interlockers projecting four inches or less
37 above the top rail shall not be less than three feet
38 from the center line of the track.

39 f. The center spindle of signal and switch stands
40 three feet or less above the top of the rail and
41 located between tracks, if not practicable to provide
42 the clearances otherwise prescribed in this subsection,
43 shall not be less than six feet from the center line
44 of the track.

45 g. Through bridges supporting affected track,
46 tunnels, water columns, or oil columns shall not be
47 less than eight feet from the center line of the track,
48 except where special protection is required for unusual
49 commodities.

50 h. (1) The clearance for through bridges

1 supporting affected track, water barrel platforms or
2 refuge platforms on bridges or trestles not provided
3 with walkways, handrails, water barrels, water columns,
4 block signals, cattle guards, and stock chutes, if all
5 or portions thereof are four feet or less above the top
6 of the rail, may be decreased to the extent defined
7 by a line extending diagonally upward from a point
8 level with the top of the rail and five feet distant
9 laterally from the center line of the track to a point
10 four feet above the top of the rail and eight feet
11 distant laterally from the center line of the track.
12 However, the minimum clearance for handrails or water
13 barrels on bridges with walkways shall be seven feet
14 nine inches, and the minimum clearance for fences for
15 cattle guards shall be six feet nine inches.

16 (2) The lesser clearances authorized in
17 subparagraph (1) for handrails and water barrels do not
18 apply to through bridges if the work of train workers
19 or yard workers requires the workers to be on the
20 decks of such bridges for the purpose of coupling or
21 uncoupling cars in the performance of switching service
22 on a switching lead.

23 i. The side clearances specified in this subsection
24 do not apply to mail cranes when the arms of the mail
25 cranes are supporting mail sacks for delivery, if the
26 top arm is not higher than ten feet eight inches above
27 the top of the rail and neither arm extends within six
28 feet five inches from the center line of the track.

29 j. Icing platforms and supports shall have a
30 minimum side clearance of eight feet. Except in
31 emergencies, operations over portions of track adjacent
32 to icing platforms constructed before January 1, 2012,
33 with a side clearance of less than eight feet shall
34 be restricted to the movement or switching of trains
35 containing refrigerator cars to be iced and to the
36 necessary use of such tracks for the unloading of
37 supplies required for the operation of an icing dock.

38 k. The side clearances specified in this section do
39 not apply to the following:

40 (1) Intertrack fences located on the center line
41 between tracks.

42 (2) Engine houses, engine house facilities,
43 tipples, or facilities used for servicing rail cars or
44 for loading or unloading bulk commodities if compliance
45 is not reasonably practicable.

46 (3) Car retarders, derails, switch point
47 protectors, guardrails, and similar appurtenances
48 projecting three inches or less above the top of the
49 rail.

50 1. The minimum side clearances prescribed in this

1 subsection are for tangent tracks. Structures adjacent
2 to curve tracks shall have additional minimum side
3 clearances compensating for curvature.

4 3. Overhead and side clearances.

5 a. The overhead and side clearances prescribed in
6 subsections 1 and 2 may be decreased to the extent of a
7 line extending diagonally downward from a point four
8 feet from the center line of the track and twenty-two
9 feet above the top of the rail to a point eight feet
10 from the center line of the track and sixteen feet
11 above the top of the rail.

12 b. For tracks located at an entrance to or inside a
13 building with an overhead clearance of eighteen feet
14 and a side clearance of eight feet, as prescribed in
15 this section, the overhead and side clearances may be
16 decreased to the extent of a line extending diagonally
17 downward from a point four feet from the center line of
18 the track and eighteen feet above the top of the rail
19 to a point eight feet from the center line of the track
20 and fourteen feet above the top of the rail.

21 c. A canopy at one side of the track at a freight
22 platform may not be less than four feet from the center
23 line of the track if the height of the canopy is at
24 least seventeen feet six inches above the top of the
25 rail and if the full clearance of eight feet six inches
26 is maintained on the opposite side of the track or the
27 distance from the center of the track to the center of
28 the adjacent track is not less than fourteen feet.

29 d. A shelter over a platform used for passenger car
30 operation may not be less than four feet six inches
31 from the center line of the track if the height is
32 not less than fifteen feet above the top of the rail,
33 provided that a carrier that conducts such an operation
34 adopts and enforces rules which prohibit an employee
35 from riding on the side of equipment if standing above
36 car floor height.

37 4. Clearances between parallel tracks.

38 a. The minimum distance between the center lines
39 of parallel tracks shall be thirteen feet six inches
40 for main tracks and thirteen feet six inches for yard
41 and side tracks, except as otherwise provided in this
42 subsection.

43 b. The center line of any track except a main track
44 or a passing track, which is parallel and adjacent to a
45 main track or a passing track, shall be fifteen feet
46 from the center line of such main track or passing
47 track, except that if a passing track is adjacent to
48 and at least fifteen feet from the main track, such
49 other track may be constructed adjacent to the passing
50 track with a clearance of not less than thirteen feet

1 six inches.

2 c. The center line of any ladder track which
3 is parallel to another adjacent track shall have a
4 clearance of not less than eighteen feet from the
5 center line of such other track, except that parallel
6 ladder tracks shall have a clearance of not less than
7 nineteen feet from center line to center line.

8 d. The minimum distance between the center line of
9 parallel team and house tracks shall be thirteen feet
10 six inches.

11 e. Tracks constructed or under construction prior
12 to January 1, 2012, may be extended without increasing
13 the distances between tracks.

14 5. Other conditions and obstructions adjacent to
15 tracks.

16 a. A railroad shall not knowingly permit
17 merchandise, material, or other articles to remain
18 piled or assembled on ground or platforms adjacent to
19 any track at a distance of less than eight feet six
20 inches from the center line of the track. A suitable
21 line or other marker may be maintained at a distance
22 of eight feet six inches from the center line of the
23 track on all platforms, excluding passenger platforms,
24 to indicate the space along the edge of the platform
25 which must be kept clear of merchandise, material, or
26 other articles.

27 b. The space between tracks ordinarily used by
28 train workers, yard workers, and other employees as a
29 walkway in the discharge of their duties, and the space
30 beside such tracks within eight feet six inches of the
31 center line of the tracks, shall be kept in reasonably
32 suitable condition for such purpose.

33 6. Preexisting clearances. Except as otherwise
34 provided in this section, if an overhead or side
35 clearance between a track and any building, structure,
36 or facility is less than the minimum prescribed in
37 this section but existed prior to January 1, 2012, the
38 minimum clearances prescribed by this section shall be
39 required when the building, structure, or facility is
40 relocated or reconstructed. However, the department
41 may grant specific requests for the continuance
42 of prior clearances at reconstructed buildings,
43 structures, or facilities as provided in subsection 7.

44 7. Waivers.

45 a. Nothing in this section shall be construed to
46 restrict the temporary distribution of materials or the
47 performance of work on, over, or adjacent to tracks if
48 the distribution or performance is necessary in the
49 construction or maintenance of facilities or equipment,
50 provided that the distribution or performance is

1 carried out within a reasonable time under conditions
2 reasonably necessary to provide for the safety of all
3 concerned, including proper notice by train order,
4 message, or bulletin.

5 b. If, in any particular case, a waiver from any of
6 the requirements of this section is deemed necessary by
7 a carrier, the department, upon good cause shown, may
8 grant an application by the carrier for a waiver. The
9 request for the waiver shall be accompanied by a full
10 statement of conditions existing and the reason why the
11 waiver is necessary.

12 8. Application of terms. Wherever the terms
13 "railroad", "railroad track", "track", "building",
14 "entrance to or inside a building", "structure",
15 "facility", "platform", or other similar terms are used
16 in this section, the terms apply only to property owned
17 by or leased to a common carrier railroad.

18 9. Application of section. This section shall not
19 be construed as limiting the authority or jurisdiction
20 of the department of transportation.

21 Sec. _____. NEW SECTION. 327F.11 Safe space along
22 railroad rights-of-way.

23 1. For purposes of this section, "safe space" means
24 the area encompassed within the following distances:

25 a. From the actual grade level to a distance of
26 twenty-two feet six inches above the top of the rail
27 head.

28 b. A distance of eight feet six inches on both
29 sides of a perpendicular from the center line of a
30 railroad track with a radius of not less than four
31 hundred feet lateral curvature.

32 c. A distance of nine feet on both sides of a
33 perpendicular from the center line of a railroad track
34 with a radius of less than four hundred feet curvature.

35 2. A person shall not permit scrap iron, lumber,
36 debris, vegetation exceeding a height of four inches,
37 marked unevenness of terrain, or any other material or
38 condition which endangers a railroad employee to remain
39 or continue in the safe space over which the person has
40 control.

41 Sec. _____. NEW SECTION. 327F.12 Close clearance
42 warnings.

43 1. The owner of a railroad track shall place a
44 warning device at a location where the close clearance
45 between the track and a building, machinery, trees,
46 brush, or other object is such that the building,
47 machinery, trees, brush, or other object physically
48 impedes a person who is lawfully riding the side of a
49 train in the course of the person's duties in service
50 to a railroad company from clearing the building,

1 machinery, trees, brush, or other object.

2 2. The warning device shall be placed in a location
3 which provides adequate notice to a person riding the
4 side of a train so that the person may prepare for
5 the close clearance. Any signs posted shall not be a
6 danger to other persons working on the property.

7 3. Placement of a warning device pursuant to this
8 section does not relieve the owner of a railroad track
9 from any duties required under chapter 317 or section
10 327F.27.

11 Sec. _____. Section 327F.13, Code 2011, is amended by
12 striking the section and inserting in lieu thereof the
13 following:

14 327F.13 Close clearances and safe spaces ----
15 enforcement.

16 1. Applicability of provisions. The provisions
17 of sections 327F.10, 327F.11, and 327F.12 apply to
18 matters under the purview of the state and enforceable
19 by the department of transportation. Sections 327F.10,
20 327F.11, and 327F.12 do not apply to the exercise of
21 authority which a federal agency has delegated to state
22 enforcement personnel under section 206 of the federal
23 Railroad Safety Act of 1970, 49 U.S.C. { 20106, or any
24 other regulation or requirement preempted by federal
25 law.

26 2. Emergency orders. If an inspector authorized by
27 the department determines through testing, inspection,
28 investigation, or research that a locomotive, car,
29 or other facility or equipment of a railroad is in a
30 condition that violates a law, regulation, or order
31 which the department is authorized to enforce, and the
32 condition is so hazardous as to present an imminent
33 danger or potential danger likely to result in injury
34 to a person, damage to property, or a breakdown of
35 equipment, the inspector shall declare such locomotive,
36 car, or other facility "out of service".

37 3. Action by inspector. When an inspector
38 authorized by the department declares a locomotive,
39 car, or other facility to be "out of service", the
40 inspector shall affix an "out of service" notice in
41 a prominent place on the locomotive, car, or other
42 facility. The affixing of an "out of service" notice
43 shall constitute legal notice that the locomotive,
44 car, or facility shall not be used or operated until
45 all defects noted on the "out of service" notice have
46 been repaired. Such notice shall not be removed until
47 the defects noted by the inspector have been corrected
48 by the railroad company and the locomotive, car, or
49 other facility is in full compliance with applicable
50 regulations. In the case of a track or other facility

1 for which it is not practical to affix an "out of
2 service" notice, the inspector shall furnish immediate
3 telephone or telegraphic notification to the owner of
4 the track or facility in lieu of affixing an "out of
5 service" notice, describing the specific location of
6 the affected track or other facility, the nature of
7 the defect, and related conditions. When an "out of
8 service" notice has been affixed or the owner of the
9 track has been notified, the inspector shall furnish
10 notice by the most expeditious manner to the railroad
11 immediately responsible for the operation of the
12 defective locomotive, car, track, or other facility.
13 The notice shall indicate the nature of the defects
14 involved which caused the equipment or other facility
15 to be placed "out of service". The inspector shall
16 retain one copy of the notice and immediately forward
17 one copy of the notice to the department.

18 4. Reduction in maximum speed of track. When an
19 inspector authorized by the department determines
20 the existence of a hazardous local track condition,
21 the inspector shall furnish immediate telephone or
22 telegraphic notification to the owner of the track
23 that movements within defined limits of the track must
24 be made at a reduced maximum speed, which shall be
25 the speed applicable to the highest federal railroad
26 administration class designation that the inspector
27 determines is appropriate. Within forty-eight hours
28 following the notification, the inspector shall furnish
29 notice in duplicate to the owner of the track or to
30 the owner's agent immediately responsible for the
31 affected track. The notice shall indicate the full
32 particulars of the conditions and the violations which
33 create the local safety hazard. Such conditions or
34 violations shall be fully repaired or otherwise brought
35 into compliance with the highest federal railroad
36 administration designation applicable to the speed at
37 which trains will operate on the track in question.

38 5. Action by railroad. When a locomotive, car, or
39 other facility of a railroad has been declared "out of
40 service", the locomotive, car, or facility shall be
41 removed from service until the defect or defects are
42 corrected. In the case of track which is reduced in
43 class as provided in subsection 4, the railroad shall
44 take the steps necessary to insure compliance with the
45 findings of the inspector. For the purpose of making
46 necessary corrections, defective locomotive units,
47 freight cars, cabin cars, or passenger carrying cars
48 may be moved to the nearest available point where the
49 unit can be repaired, provided that other similar units
50 in suitable operating condition are also a part of the

1 consist. When the defects noted on the notice have
2 been corrected, the railroad shall notify the inspector
3 issuing the notice and the inspector shall inspect the
4 locomotive, car, or other facility. If the repairs or
5 corrections have been satisfactorily completed, the
6 inspector shall remove the "out of service" notice.

7 6. Reinspection ---- review by department.

8 a. Upon issuance of an "out of service" notice,
9 the railroad involved may request a second inspection
10 of the locomotive, car, or other facility. An
11 engineer designated by the department shall arrange
12 for an immediate reinspection by a second authorized
13 inspector. If, on reinspection, the decision of
14 the original inspector is affirmed or modified by an
15 engineer designated by the department, the engineer
16 shall notify the railroad in writing that the original
17 finding is affirmed or modified. If the decision of
18 the original inspector is not affirmed or modified, the
19 inspector shall immediately remove the "out of service"
20 notice and enter an appropriate notation on the related
21 notice to the railroad, and the restrictions of the
22 notice shall cease to be effective.

23 b. If, upon reinspection, an engineer designated by
24 the department affirms or modifies the findings of the
25 original inspection, the railroad may, within thirty
26 days of the affirmation or modification, request the
27 department to conduct a hearing at which interested
28 parties may be present and testify for the purpose of
29 reviewing the inspections. As a result of the hearing,
30 the department may modify in whole or in part the
31 findings of the inspections and the actions taken by
32 the inspectors. Actions on review may be undertaken
33 on an expedited basis in relation to other business of
34 the department.

35 c. The requirements of an "out of service" notice
36 shall be effective pending action by the department.

37 d. Upon petition of a carrier based upon good
38 cause, the department may grant a request for an
39 extension of time for compliance with an "out of
40 service" notice issued or modified as provided under
41 this subsection.

42 7. Penalties.

43 a. A violation of section 327F.10, 327F.11, or
44 327F.12 is punishable as a schedule "one" penalty under
45 section 327C.5.

46 b. A violation of this section shall subject the
47 violator to such civil or criminal penalties as may be
48 provided by law.

49 c. Each day of noncompliance constitutes a separate
50 violation. If a locomotive or car which was properly

H-1454

Page 10

1 equipped by a carrier subsequently becomes defective
2 or insecure while in use by the carrier, the car or
3 locomotive may be hauled as necessary from the place
4 where it is in use to the nearest available point
5 where the equipment can be repaired, and the penalties
6 imposed under this subsection shall not apply.

7 Sec. _____. RULES. The department of transportation
8 shall adopt rules it deems necessary to implement this
9 division of this Act.

10 Sec. _____. EFFECTIVE DATE. This division of this
11 Act takes effect January 1, 2012.>

12 2. Title page, lines 3 and 4, by striking
13 <operations and provisions relating to> and inserting
14 <operations,>

15 3. Title page, line 5, after <programs,> by
16 inserting <railroad clearances and safe spaces,>

17 4. Title page, line 5, after <applicable> by
18 inserting <and including effective date provisions>

19 5. By renumbering as necessary.

By MURPHY of Dubuque

H-1454 FILED MARCH 23, 2011

SENATE FILE 406

H-1452

1 Amend Senate File 406, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 24, line 13, by striking <apart from
4 commissions paid by an insurer>

By PETTENGILL of Benton

H-1452 FILED MARCH 23, 2011

SENATE FILE 406

H-1453

1 Amend Senate File 406, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, after line 34 by inserting:

4 <Sec. _____. Section 505.19, subsection 2, Code 2011,
5 is amended to read as follows:

6 2. The commissioner shall hold a public hearing at
7 the time a carrier files for proposed health insurance
8 rate increases exceeding the average annual health
9 spending growth rate as provided in subsection 1,
10 in each congressional district in which the carrier
11 has policyholders that are affected by the proposed
12 rate increases, prior to approval or disapproval of
13 the proposed rate increases for that carrier by the
14 commissioner.>

15 2. By renumbering as necessary.

By PETERSEN of Polk

KAJTAZOVIC of Black Hawk

H-1453 FILED MARCH 23, 2011

Fiscal Note

Fiscal Services Division



HF 643 – Water Resources Coordinator Council Transfer (LSB 2691HV.1)
Analyst: Debra Kozel (Phone: 515-281-6767) (deb.kozel@legis.state.ia.us)
Fiscal Note Version – As amended by **H-1391**

Description

House File 643 as amended by **H-1391**, transfers the Water Resources Coordinating Council and other water protection programs from the Department of Natural Resources (DNR) to the Soil Conservation Division in the Department of Agriculture and Land Stewardship (DALs).

Amendment H-1391:

- Eliminates the transfer of the Environment First Fund appropriation of \$3.0 million from the DNR to DALs.
- Changes the effective date of the Bill to July 1, 2012.

Background

The Bill as amended transfers the following from the DNR to the Soil Conservation Division:

- Federal 319 funds that will be deposited into a new Clean Water Account in the Water Quality Protection Fund. These federal funds are granted for administration of Section 319 of the federal Clean Water Act.
- Implementation of Total Maximum Daily Load (TMDL) calculations for nonpoint sources and agricultural sources. Waterbodies that do not meet state water quality standards are considered impaired as specified in Section 303(d) of the federal Clean Water Act. For each of the impaired waterbodies, a TMDL is calculated for each pollutant causing the impairment. The TMDL calculation quantifies the source(s) of the pollutant(s) and the local reduction necessary to meet the state's water quality standards.

The Bill also transfers the Water Resources Coordinating Council to the DALs from the Governor's Office.

Assumptions

- The expenditures related to the Water Coordinating Council are expected to be minimal.
- Federal 319 funds are currently granted to the DNR and are available for expenditure over multiple years. The DNR has an additional 11.5 FTE positions funded with these funds and the average salary and benefits is \$120,000 per year for an estimated expenditure of \$1.4 million. The Bill does not specify transfer of the FTE positions.
- Other transition costs identified by the DNR include legal expense, computer hardware purchases, website application development, technical training, and other related expenditures. The DNR estimates additional legal costs of \$175,000 for FY 2013 and \$10,000 for subsequent years for both Departments.
- The DALs does not anticipate any transition costs.

The following table summarizes federal 319 fund revenue for FY 2010 and illustrates the length of time that funds have been carried forward:

Federal Revenues to the DNR for Water Quality (Section 319)

Cost Center Name	Balance Carry Forward	Grant	Total Revenue	Expenditures	Balance
FY 2002 Grants	\$ 226,194	\$ 0	\$ 226,194	\$ 160,783	\$ 65,411
FY 2003 Grants	566,130	0	566,130	330,285	235,845
FY 2004 Grants	1,038,971	0	1,038,971	404,153	634,818
FY 2005 Grants	1,631,205	0	1,631,205	646,577	984,628
FY 2006 Grants	2,245,779	0	2,245,779	1,052,836	1,192,943
FY 2007 Grants	3,522,661	0	3,522,661	1,248,770	2,273,891
FY 2008 Grants	3,826,853	0	3,826,853	642,473	3,184,380
FY 2009 Grants	0	4,417,800	4,417,800	78,572	4,339,228
Total Cost	\$ 13,057,793	\$4,417,800	\$ 17,475,593	\$ 4,564,449	\$ 12,911,144

The following table summarizes federal 319 fund expenditures by the DNR for FY 2010:

Department of Natural Resource Expenditure of Federal Water Quality Funds

Cost Center Name	Salaries	Support	Contracts	Equipment	Indirect Cost	Total Expenditures
Water Coordination	\$ 123,882	\$ 4,085	\$ 0	\$ 0	\$ 17,381	\$ 145,348
319 Water Planning	65,847	9,395	0	1,455	9,238	85,935
319 NPS Planning 02	0	146,934	13,849	0	0	160,783
319 NPS Planning 03	0	160,026	143,057	0	0	303,083
319 NPS Planning 04	0	340,420	44,655	0	0	385,075
319 NPS Planning 05	0	518,015	33,457	0	0	551,472
319 NPS Planning 06	0	494,447	37,857	0	0	532,304
319 NPS Planning 07	10,567	225,372	251,079	0	1,483	488,501
319 NPS Planning 08	10,063	190,916	91,848	0	1,412	294,239
319 NPS Planning 09	0	78,264	308	0	0	78,572
319 TMDL Staffing	516,204	20,001	252,331	21,074	72,423	882,033
319 Program Administration	499,284	63,641	0	5,102	70,050	638,077
Total Cost	\$ 1,225,847	\$2,251,516	\$ 868,441	\$ 27,631	\$ 171,987	\$ 4,545,422

NPS = nonpoint source

For FY 2010, the DNR transferred approximately \$2.0 million of federal 319 funds to the DALs for nonpoint source (NPS) pollution projects. This amount is included in the “support” column in the table above. The following table summarizes the revenue and expenditures of the federal 319 funds transferred to the DALs by DNR for FY 2010:

FY 2010 Federal DALs 319 Funds

Resources	
Intra State Transfer	\$ 2,044,306
Reimbursement Other Agencies	230,921
Refunds	11,972
Total Resources	<u>\$ 2,287,199</u>
Expenditures	
Personal Services	\$ 652,402
Personal Travel In State	1,566
Office Supplies	34,638
Communications	829
Outside Services	687,611
Reimbursement Other Agencies	308
Water Protection Fund Practices	779,009
Other Expense	130,836
Total Expenditures	<u>\$ 2,287,199</u>

Fiscal Impact

There is no impact to the State General Fund.

The Bill as amended does not specify the disposition of the FTE positions associated with these programs. A total of 11.5 FTE positions at a cost of \$1.4 million may be impacted. If the positions are transferred to the DALs, the funds transferred will be sufficient to continue funding of these positions. If the FTE positions are not transferred to the DALs, the DNR will need to identify funding for or eliminate the positions. In addition, the DNR indicates that legal fees of \$175,000 for FY 2013 and \$10,000 for each year thereafter will be required.

Sources

Department of Agriculture and Land Stewardship
Department of Natural Resources

/s/ Holly M. Lyons

March 23, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56](#), [Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 643 – Water Resources Coordinator Council Transfer (LSB 2691HV)
Analyst: Debra Kozel (Phone: 515-281-6767) (deb.kozel@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 643 transfers the Water Resources Coordinating Council and other water protection programs from the Department of Natural Resources (DNR) to the Soil Conservation Division in the Department of Agriculture and Land Stewardship (DALs).

Background

The Bill transfers the following from the DNR to the Soil Conservation Division:

- The Environment First Fund appropriation of \$3.0 million for water quality monitoring.
- Federal 319 funds that will be deposited in a new Clean Water Account in the Water Quality Protection Fund. These federal funds are granted for administration of Section 319 of the federal Clean Water Act.
- Implementation of Total Maximum Daily Load (TMDL) calculations for nonpoint sources and agricultural sources. Waterbodies that do not meet state water quality standards are considered impaired as specified in Section 303(d) of the federal Clean Water Act. For each of the impaired waterbodies, a TMDL is calculated for each pollutant causing the impairment. The TMDL calculation quantifies the source(s) of the pollutant(s) and the local reduction necessary to meet the state's water quality standards.

The Bill also transfers the Water Resources Coordinating Council to the DALs from the Governor's Office.

Assumptions

- The expenditures related to the Water Coordinating Council are expected to be minimal.
- The appropriation for the Water Quality Monitoring Program is \$3.0 million and a portion of the funds are used to support 11.5 FTE positions in the DNR. The average salary and benefits is \$120,000 per year for each FTE position for an estimated expenditure of \$1.4 million. The Bill does specify the transfer of the FTE positions.
- Federal 319 funds are currently granted to the DNR and are available for expenditure over multiple years. The DNR has an additional 11.5 FTE positions funded with these funds and the average salary and benefits is also \$120,000 per year for an estimated expenditure of \$1.4 million. The Bill does not specify transfer of the FTE positions.
- Other transition costs identified by the DNR include legal expense, computer hardware purchases, website application development, technical training, and other related expenditures. The DNR estimates additional legal costs of \$175,000 for FY 2012 and \$10,000 for subsequent years for both Departments.
- The DALs does not anticipate any transition costs.

The following table summarizes federal 319 fund revenue for FY 2010 and illustrates the length of time that funds have been carried forward:

Federal Revenues to the DNR for Water Quality (Section 319)

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The following table summarizes federal 319 fund expenditures by the DNR for FY 2010:

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319 NPS Planning 09	0	78,264	308	0	0	78,572
319 TMDL Staffing	516,204	20,001	252,331	21,074	72,423	882,033
319 Program Administration	499,284	63,641	0	5,102	70,050	638,077
Total Cost	\$ 1,225,847	\$2,251,516	\$ 868,441	\$ 27,631	\$ 171,987	\$ 4,545,422

NPS = nonpoint source

For FY 2010, the DNR transferred approximately \$2.0 million of federal 319 funds to the DALs for nonpoint source (NPS) pollution projects. This amount is included in the “support” column in the table above. The following table summarizes the revenue and expenditures of the federal 319 funds transferred to the DALs by DNR for FY 2010:

FY 2010 DALs Federal 319 Funds

Resources	
Intra State Transfer	\$ 2,044,306
Reimbursement Other Agencies	230,921
Refunds	11,972
Total Resources	<u>\$ 2,287,199</u>
Expenditures	
Personal Services	\$ 652,402
Personal Travel In State	1,566
Office Supplies	34,638
Communications	829
Outside Services	687,611
Reimbursement Other Agencies	308
Water Protection Fund Practices	779,009
Other Expense	130,836
Total Expenditures	<u>\$ 2,287,199</u>

Fiscal Impact

There is no impact to the State General Fund.

The fiscal impact of HF 643 is minimal related to the transfer of the funding from DNR to DALs. However, the Bill does not specify the disposition of the FTE positions associated with these programs. A total of 23.0 FTE positions at a cost of \$2.8 million may be impacted. If the positions are transferred to the DALs, the funds transferred will be sufficient to continue funding of these positions. If the FTE positions are not transferred to the DALs, the DNR will need to identify funding for or eliminate the positions. In addition, the DNR indicates that legal fees of \$175,000 for FY 2012 and \$10,000 for each year thereafter will be required.

Sources

Department of Agriculture and Land Stewardship
Department of Natural Resources

/s/ Holly M. Lyons

March 23, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



HF 636 – Urban Revitalization, Vacant Commercial Property (LSB 2410HV)
Analyst: Jeff Robinson (Phone: 515-281-4614) (jeff.robinson@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 636 provides three new property tax exemption schedules for qualified vacant buildings located within Urban Revitalization areas (Iowa Code Chapter 404). A 15-year phase-in schedule for new taxable value is created for qualified vacant property along with an alternate five-year 100% exemption schedule. For the same properties that meet specified environmental construction standards, a five-year, 100.0% exemption followed by a five-year phase-in schedule is also created.

To qualify for the five-year and 15-year schedules the property must be vacant for at least six consecutive months and be vacant at the time of the application for exemption. The property must also meet one of the following additional criteria:

- The assessed value of the property has declined during the vacant period.
- The property attracts unauthorized residential or transient use, trash disposal, or parking.
- The property is determined to contain one or more nuisances under Code Chapter 657 or Section 657A.1(7).

To qualify for the ten-year schedule, the property must also meet the Leadership in Energy and Environmental Design (LEED) Gold Standard (or comparable national standard) for environmental construction.

The change is effective on enactment.

Background

Current law contains several options for partially exempting new commercial value, including:

- A ten-year phase-in starting at 80.0% exemption for the first year and reaching 20.0% exemption for years nine and 10 (Code Section 404.3(2)).
- A 100.0% exemption for three years (Code Section 404.3(3)).
- A 100.0% exemption for 10 years if at least 75.0% of the commercial space is devoted to housing (Code Section 404.3(4)).
- A 15-year phase-in for abandoned property of any class starting at 80.0% exemption for the first year and reaching 20.0% exemption for years 13 through 15 (Code Section 404.3B(2)).
- A 100.0% exemption for five years for abandoned property of any class (Code Section 404.3B(3)).

According to a Department of Revenue report on the statewide value of partial exemptions, for FY 2012, a total of \$488.4 million in commercial property assessed value is exempt under various provisions of Code Chapter 404.

Assumptions

- For vacant commercial property that is being renovated to be at least 75.0% residential, the current ten-year 100.0% schedule is more beneficial than any schedule contained in HF 636.
- For nonresidential commercial renovations, the schedules in HF 636 are more beneficial to the owner, unless the property is abandoned. In that case, the non-LEED schedules in HF 636 are the same as current law.
- For vacant commercial buildings renovated to meet LEED construction standards, the schedule in HF 636 will be more beneficial than all but the commercial renovations for residential purposes.
- The additional exemption schedules in HF 636 will increase exempt property under Code Chapter 404 by 1.5% per year for seven years. After seven years, new property value exempted will equal the value of property rolling off of exempt status.
- The statewide average consolidated tax rate for commercial property is equal to \$39.00 per thousand for FY 2014, and of that amount, \$5.40 per thousand funds the Uniform Levy for school finance. The average consolidated rate is assumed to increase 1.0% per year.
- The change will first impact assessment year 2012 (FY 2014).

Fiscal Impact

[House File 636](#) will increase the cost to the General Fund for the State School Aid appropriation and decrease local tax collections by the amounts beginning in FY 2014 as listed in the following table.

	Exempt Property Value	Consolidated Tax Rate	Uniform Levy	School Aid Increase	Local Property Tax Decrease	Property Tax Reduction
FY 2014	\$ 7,326,000	\$ 39.00	\$ 5.40	\$ 40,000	\$ 246,000	\$ 286,000
FY 2015	14,652,000	39.39	5.40	79,000	498,000	577,000
FY 2016	21,978,000	39.78	5.40	119,000	755,000	874,000
FY 2017	29,304,000	40.18	5.40	158,000	1,019,000	1,177,000
FY 2018	36,630,000	40.58	5.40	198,000	1,289,000	1,487,000
FY 2019	43,956,000	40.99	5.40	237,000	1,565,000	1,802,000
FY 2020	51,282,000	41.40	5.40	277,000	1,846,000	2,123,000
FY 2021	51,282,000	41.81	5.40	277,000	1,867,000	2,144,000

Sources

Department of Revenue report on partial exemption values
Legislative Services Agency analysis

/s/ Holly M. Lyons

March 23, 2011

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to Code **Section 2.56**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.